

## **United States Forest Service**

# **MEMBERSHIP BALANCE PLAN**

### **1. Committee's Official Designation**

National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule

### **2. Authority**

The Committee is established under the authority of the Secretary of Agriculture in accordance with the provisions of the Federal Advisory Committee Act (FACA) as amended, 5 U.S.C. App. 2.

### **3. Objectives and Scope of Activities**

The Committee will advise the Secretary of Agriculture, through the Chief of the Forest Service, by providing advice and recommendations on the implementation of the National Forest System Land Management Planning Rule (planning rule).

### **4. Points of View Needed for the Committee**

This Committee will be comprised of not more than 21 members who provide balanced and broad representation within each of the following three categories of interests:

1. Up to 7 members who:
  - a. Represent the affected public at-large
  - b. Hold State-elected office (or designee)
  - c. Hold county or local elected office
  - d. Represent American Indian Tribes
  - e. Represent Youth
2. Up to 7 members who represent:
  - a. National, regional, or local environmental organizations
  - b. Conservation organizations or watershed associations
  - c. Dispersed recreation interests
  - d. Archaeological or historical interests
  - e. Scientific Community
3. Up to 7 members who represent:
  - a. Timber Industry
  - b. Grazing or other land use permit holders or other private forest landowners
  - c. Energy and mineral development
  - d. Commercial or recreational hunting and fishing interests
  - e. Developed outdoor recreation, off-highway vehicle users, or commercial recreation interests

A simple majority of the members of the committee must be present to constitute an official meeting of the committee. Attendance may be in-person, by telephone, or by other electronic means.

## **5. Other Balance Factors**

Equal opportunity practices in accordance with United State Department of Agriculture (USDA) policies will be followed in all appointments to the committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

To the greatest extent possible, Committee membership will be selected from geographically diverse locations and communities; and include ethnic diversity, men, women, and people with disabilities.

## **6. Candidate Identification Process**

Nominees will be sought through an open and public process that includes, but is not limited to, nominees submitted by tribal governments, county and state governments, organizations, and individuals who represent the interests of the public on National Forest System lands. The Outreach plan provides additional guidance on seeking nominees.

Once candidates have been identified, their names and background data are submitted to the USDA White House Liaison's office for vetting. The vetting process includes a background check to determine if any of the candidates have a conflict of interest that would prohibit them from serving on the committee due to criminal or ethical violations.

## **7. Subcommittee Balance**

The balance plan for any subcommittee shall incorporate the same policies and practices as the parent committee.

## **8. Date Prepared or Updated: July 24, 2013**

## **9. Legal Background**

Section 5(b)(2) of the FACA requires "...the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee." The corresponding FACA regulations reiterate this requirement at 41 CFR § 102-3.30(c), and, for discretionary committees being established, renewed, or reestablished, require agencies to provide a description of their plan to attain fairly balanced membership during the charter consultation process with GSA (41 CFR § 102-3.60(b)(3)). The document created through this process is the Membership Balance Plan. The regulations further clarify that (1) the purpose of the membership balance plan is to ensure "that, in the selection of members for the advisory committee, the agency will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee;" and (2) "[a]dvisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed." (41 CFR § 102-3.60(b)(3)).

FACA mandates that Federal advisory committees be balanced in the points of view represented by the members, but leaves it to the discretion of each agency on how to do this. The FACA regulations offer guidance in achieving a balanced Federal advisory committee membership, which include considering:

- (i) The Federal advisory committee's mission;
- (ii) The geographic, ethnic, social, economic, or scientific impact of the Federal advisory committee's recommendations;
- (iii) The types of specific perspectives required, such as those of consumers, technical experts, the public at-large, academia, business, or other sectors;
- (iv) The need to obtain divergent points of view on the issues before the Federal advisory committee; and
- (v) The relevance of State, local, or tribal governments to the development of the Federal advisory committee's recommendations." (41 CFR § III of App. A to Subpart B)